Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

5 April 2004

Original: English

Third session
New York, 26 April-7 May 2004

Overcoming the institutional deficit of the NPT

Working paper submitted by Canada

1. Unlike the more modern non-proliferation, arms control and disarmament accords, the NPT lacks provisions and institutional machinery to protect adequately the interests of its States Parties. There is no annual meeting of States Parties, no standing bureau and no dedicated organization or secretariat to oversee the state of health of the Treaty. The IAEA has certain on-going responsibilities under the Treaty, but they are limited in scope and its membership and that of the NPT are not coterminous. Only the quinquennial Review Conferences are empowered to take decisions on behalf of the States Parties. The interests of the Treaty membership are not well-served by a situation where it can only exercise its decision-making functions once every five years.

2. During the course of 2003, the NPT has experienced severe shocks to its authority and integrity, including the unprecedented notification of withdrawal from the Treaty on the part of one State Party and the admission by other State Parties of activity in violation of their Treaty obligations. These incidents underline the need for the NPT community to have a capacity to review regularly the state of the Treaty's implementation and to respond rapidly to contemporary challenges to its fundamental purposes.

3. Building on ideas previously proposed in this forum, we believe the time is right to overcome this institutional deficit and recommend the following:

i) Replace the present Preparatory Committees with Annual General Conferences of States Parties to consider and decide on any issues covered by the Treaty. Such Conferences would have a duration of one week, although in the year immediately preceding a Review Conference, the Annual Conference would extend two weeks and carry out the function of a preparatory committee for that Review Conference. The overall time allocation for these conferences would remain within the current six weeks devoted to the Preparatory process.

ii) The bureau of the review process be reconstituted as a standing bureau of the Treaty comprised of the President and Chairs of the quinquennial Review conference (to be elected at the end of each Review Conference with a mandate extending until the subsequent Review Conference). This bureau would be empowered, at the request of the Depositary Governments, the UN Secretary General or

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pursuant to a consensus decision of their own, to convene extraordinary sessions of the General Conference of States Parties when situations arose that threatened the integrity or viability of the Treaty, for example, a notification of intent to withdraw from the Treaty or the violation by a State Party of its obligations under the Treaty.

iii) The UN Department of Disarmament Affairs would, within existing resources, continue to provide support to the bureau, the annual conferences and any extraordinary sessions.

4. Canada looks forward to working with all States parties to advance this issue at the 2005 Review Conference.

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Reporting by States parties

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Introduction

1. The purpose of this Working paper is to build on the Working papers submitted by Canada to the first two sessions of the Preparatory Committee (NPT/CONF.2005/PC.I/WP.3 and NPT/CONF/2005/PC.II/WP.2) on "Reporting by States parties" to carry the issue of reporting forward, building towards a decision at the 2005 Review Conference. The ideas offered here are based on a review of reporting at the first two Preparatory Committees.

Background

2. The experience with reporting to date has demonstrated the important roles it plays. It contributes to permanence with accountability, which will be particularly important 10 years after the NPT's indefinite extension; it promotes a culture of transparency; it encourages states to take ownership of the objectives of the NPT; it offers a mechanism for all States parties to demonstrate their commitment to the Treaty and what they have done to further its aims; it serves as a measure of progress and compliance; it fosters implementation of the Treaty; it strengthens confidence-building; it provides useful information for States parties; it informs preparations and supports discussions at the Preparatory Committees and Review Conferences; it contributes to a strengthened review process.

3. It is important to encourage increased participation in the reporting process. Submission of more reports and more complete information will facilitate more informed discussion and review of the Treaty and its implementation. In this regard, all States parties, both NWS and NNWS, are encouraged to be active participants in the reporting process, thereby fostering mutual accountability for the Treaty's implementation.

Experience

4. A review of reporting to the first two PrepComs shows four approaches: (1) general overview; (2) 13 Steps; (3) Article-by-Article; (4) specific activities. Analysis has shown the utility of providing concrete information, the benefits of

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facilities; holdings and production of nuclear weapons (including the numbers, types and yields of warheads, numbers and types of delivery vehicles); operational status of weapons held; nuclear weapons doctrine and policies.

Context

10. Reporting has already demonstrated its contribution to the Strengthened Review Process. With an eye to the overall context and to the outcomes of the Review Conference, reporting can be considered as a valuable input to an eventual annual meeting of States parties.

The way ahead

11. In our view, it would be desirable to have the 2005 Review Conference adopt a distinct decision on reporting, given the role it can play in strengthening the Treaty. This would build on Step 12, so as not to lose the genesis and its important focus on Article VI, while broadening reporting to reflect the Treaty as a whole. Elements could include: recognition of the role and contribution of reporting to fulfilling the objectives of the Treaty and to fostering its implementation; reaffirming reporting as a permanent element of States Parties' obligations; an outline of scope and format. Together, reports could form the basis for the preparation of an annual "NPT Implementation Report".

12. Restating the view expressed last year, it is now even more evident that the challenges facing the NPT require that all States parties demonstrate renewed commitment and determination to fulfilling its goals and the obligations that all have accepted. The importance of reinforcing the Treaty has been widely acknowledged. Reporting offers a way to do this, contributing to a shared and fundamental goal. Canada looks forward to working with all States parties to advance this issue at the 2005 Review Conference.